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Mr. Lightfoot practices in the areas of real estate and commercial litigation. He has vast experience handling residential and commercial landlord/tenant disputes; broker/seller liability and disclosure disputes; business to business disputes including disparagement, defamation, interference with contract and B&P 17200 claims; condominium and homeowners' association matters; premises liability, toxic exposure (mold, asbestos) and injury cases; landslide/earth movement and construction defect disputes; and property line/easement disputes.

In addition to his litigation practice, Mr. Lightfoot handles real estate, corporate and construction transactional matters including reviewing and drafting leases, contracts, licenses, sales agreements, disclosures, easements, TIC agreements, CC&Rs, construction contracts, stop notices and liens, corporate/business formation and residential leases and notices to tenants in sensitive, rent-controlled jurisdictions.

A veteran of both bench and jury trials, Mr. Lightfoot has also handled numerous mediations and arbitrations.

In light of his practical experience and expertise, Mr. Lightfoot is frequently engaged as a private Mediator in real estate and personal injury disputes.

He is admitted to practice before all California State and Federal District Courts and the U.S. Court of Appeals for the Ninth Circuit.

Mr. Lightfoot is a member of the California State Bar (Real Property and Litigation Sections); the American Bar Association; the Bar Association of San Francisco; the Marin County Bar Association; the San Francisco Apartment Association; the Rental Housing Association of Northern Alameda County; the California Apartment Association; the Apartment Owners Association of California; and the Small Property Owners of San Francisco.

He graduated from the University of California at Los Angeles in 1989 with a Bachelor of Arts in English. In 1992, he graduated from the Golden Gate University School of Law in San Francisco.

OTHER ACCOMPLISHMENTS AND ACHIEVEMENTS

- Northern California Co-Chair, Residential Landlord-Tenant Subcommittee[2007-2009], California State Bar Real Property Law Section
- Editor, California Real Property Law Journal

- Mediator for the Bar Association of San Francisco's Early Settlement Program (2004-present);
- Faculty/Speaker, Sterling Education Legal Seminars: Landlord-Tenant Law;
- Faculty/Speaker, Lorman Education Legal Seminars: Easements;
- Frequent Presenter/Lecturer to clients on Real Estate Litigation, Mediation and Risk Management matters;
- Adjunct Professor of Law (Trial Advocacy, Mock Trial) at the Golden Gate University School of Law from 1993-1998;
- Author, "Interpreting the Fair Labor Standards Act: Dirty Deeds Done Dirt Cheap in McCune v. Oregon Senior Services," Golden Gate University School of Law – Law Review, Vol. 21, No. 1 (1991);
- Umpire-in-Chief, California District 3 Little League (San Francisco and Marin Counties); Umpire-in-Chief, Twin Cities Little League (Corte Madera/Larkspur);
- Baseball aficionado; avid fisherman; average golfer and tennis player.

Practice Areas

- Business And Commercial Litigation
- Construction
- Corporate Transactions
- Governmental Entity Liability
- Professional Liability
- Real Estate

Education

- University of California, Los Angeles, 1989 B.A.
- Golden Gate University School of Law, 1992 J.D.

Court Admissions

- California
- US Court of Appeals for the Ninth Circuit
- USDC: Central District of California
- USDC: Eastern District of California
- USDC: Northern District of California

Memberships & Associations

- Apartment Owners Association
- Bar Association of San Francisco
- Marin County Bar Association
- San Francisco Apartment Association (SFAA)
- State Bar of California
- State Bar of California, Real Property and Business Law Sections
- UCLA Alumni Association

Representative Experience

Practice Area: Catastrophic/Personal Injury

Key Issues: Mediation

The plaintiff contended the landlord's property manager failed to take action to evict or otherwise stop a tenant from attacking him on the roof and forcing plaintiff to jump to the ground to escape. Plaintiff claimed damages from his personal injuries and also claimed the landlord's and property manager's failure to act deprived him of quiet enjoyment of his apartment and forced him out, constituting a wrongful eviction. Defendants contended the property manager had no prior knowledge of any violent tendencies on behalf of the tenants, and furthermore, that the plaintiff's version of the attack was neither credible nor supported by the evidence.

Result:

After a one-half day of mediation with us, the parties were able to reach an agreeable resolution which involved some unique defense and indemnification agreements between the parties.

Practice Area: Catastrophic/Personal Injury

Key Issues: Mediation

Plaintiffs were two dentists vacationing in San Francisco when their car was broad-sided by defendant's car. One of the dentists claimed she had suffered significant soft tissue and back injuries, which required numerous chiropractic treatments. The dentists also claimed over \$200,000 in lost wages. Defense claimed the injuries were not as severe as claimed and that the lost wages were too speculative to prove.

Result:

After a one-half day mediation session with us, the parties reached a settlement which resolved the lawsuit.

Practice Area: Construction, Real Estate

In this case, a homeowner in a condominium association sued the Association and the Board of Directors for failing to replace a large quarry tile roof-top deck. The Board had authorized the removal of the deck because its weight and construction was causing structural damage to the framing of the condominium building. The plaintiff insisted that she be allowed to re-install a quarry tile deck that weighed as much, or more, than the deck that was removed; she also sought over \$300,000.00 in loss of use damages.

Result:

After several phases of trial, the court found that although the Association had to replace the roof deck, it rejected plaintiff's claims for loss of use and further ordered that the replacement deck would be significantly limited in weight, size and construction materials, so that no further structural harm would be done to the condominium building.

Practice Area: Real Estate

Key Issues: Unlawful Detainer

Venue: Monterey County Superior Court

Client Type: Residential Landlord

Residential Tenant in Pebble Beach stopped paying rent; claimed home was not habitable. Landlord later discovered tenant had damaged the residence and removed the landlord's personal property from the residence.

Result:

We had the tenant served with a three day notice and then filed and served an unlawful detainer lawsuit. Tenant's Answer alleged several "habitability" defenses. We served specific, thorough discovery questions on the tenant to force the tenant to specifically identify the alleged habitability problems with unit. Unable to do so, and facing eviction, the tenant immediately vacated the premises.

Practice Area: Real Estate

In this case, the plaintiffs (tenants) claimed the landlords failed to provide adequate security and act to evict another tenant at the building before that tenant attacked the plaintiffs. Plaintiffs contended they could no longer live at the subject premises because they were afraid of further physical attacks. Plaintiffs demanded over \$1 Million in damages. After thorough discovery and pre-trial preparation, defense motions in limine were granted that eviscerated plaintiffs' theory of liability and excluded inadmissible evidence against defendants.

Result:

The case settled favorably as a jury was being impaneled.

Practice Area: Catastrophic/Personal Injury

Key Issues: Personal Injury

Client Type: Defendant Individual

Plaintiff was involved in a low-speed rear-end accident with our client. She suffered some soft tissue injury, but was otherwise uninjured. Subsequently, she was involved in a high-speed "T-Bone" accident, where she again suffered soft tissue damage. Plaintiff claimed herniated discs (for which she went through fusion surgery) related to the first accident and resultant medical damages, loss of work and significant general damages, all in excess of \$600,000.00.

Result:

After we completed thorough discovery and investigation and expert witness discovery, plaintiff accepted a settlement which was well below her demand, shortly before trial commenced.

Practice Area: Real Estate

Key Issues: Unlawful Detainer

Venue: San Francisco Superior Court

Client Type: Landlord

Residential Unlawful Detainer action in San Francisco (where tenant was creating a nuisance in the building and failing and refusing to pay rent.) Tenant was aware Landlord was seeking his eviction, so the tenant did everything to avoid service of process and then once served, attempted to stall the eviction action.

Result:

We prevailed over the tenant early in the UD proceedings and then successfully defeated the tenant's motion to set aside the judgment. We involved the San Francisco Sheriff's Department, which ultimately had to remove the tenant from the premises and restore possession back to the Landlord.

Practice Area: Real Estate

Key Issues: Unlawful Detainer Action

Venue: San Francisco County Superior Court

Client Type: Landlord

Landlord purchased a 2-unit property (flats upstairs and downstairs) which had been foreclosed by a Bank. Landlord purchased the property so she and her elderly mother could live in the same premises. Unbeknownst to Landlord, two sets of "tenants" had moved into the two flats and tendered rent to the Bank. Tenants had also successfully defended a prior Unlawful Detainer action brought by the Bank. Tenants failed to pay rent and we served Notices to Pay or Quit. Tenants failed to pay rent and we brought an Unlawful Detainer action against the two sets of Tenants. Tenants both defended against the Unlawful Detainer by asserting numerous habitability defects, and claimed they did not owe rent due to the substandard conditions in the unit. Tenants failed to substantiate any habitability defects in discovery. In deposition, one of the Tenants made several admissions that were devastating to their defense. One of the tenants moved out and attempted to sublet a flat to a new set of tenants.

Result:

With trial fast approaching, the case settled with all the Tenants and sub-tenants agreeing to move out by a date certain, or face an adverse judgment against them.

Practice Area: Real Estate

Key Issues: Unlawful Detainer Action

Venue: San Mateo County Superior Court

Client Type: Landlord

Unlawful Detainer action where the Landlord terminated the tenancy due to the Tenants' failure to pay rent. Tenants claimed they tendered rent but the Landlord refused to accept same. Tenants also claimed multiple habitability defects entitling them to withhold rent.

Result:

Facing motions to exclude evidence of the alleged habitability defects, which were never substantiated during discovery, the case settled on the morning of trial with the Tenants stipulating to move out by a date certain, or face an adverse judgment being entered against them.

Practice Area: Real Estate

Key Issues: Habitability; Unruh Civil Rights Act; Fair Employment & Housing; affordable housing; non-profit; statutory violations

Venue: Alameda County Superior Court

25 tenants in a low income housing modified rehabilitation project, managed by a non-profit housing entity and owned by a non-profit housing entity, sued the owners and managers for breach of the warranty of habitability, statutory violations, violation of the Unruh Civil Rights Act, and violation of California's Fair Employment and Housing Act.

Result:

The matter settled through two mediation sessions for confidential amount for approximately 1/3 the initial settlement demand.

Publications

- Author, Land Lord Tip of The Month- December 2011, 12/15/2011
- Author, Land Lord Tip of the Month- November 2011, 11/1/2011
- Author, Landlords: US Attorneys' new target in the war on pot, *The Daily Journal*, 10/26/2011

- Author, Land Lord Tip of the Month- October 2011, 10/1/2011
- Author, Landlord Tip of the Month, 8/23/2011
- Author, RMKB Quarterly Real Estate Update - August 2011, 8/9/2011
- Author, No Double Dips Q &A, *Rental Housing*, 7/1/2011
- Author, What Every Rental Property Owner Should Know About Screening Tenant Applicants, *Small Property Owners of San Francisco Institute* , June Issue
- Author, RMKB Quarterly Real Estate Update - May 2011 , 5/27/2011
- Author, Real Estate Update - Issue 2, 09/30/10
- Author, Bank & Lender Liability Litigation Reporter , *The Registry*, January 20, 2009
- Author, New Foreclosure Law Finds Common Ground, *The Registry*, 1/9/2009
- Author, The Elephant in the Living Room, 05/2008